



MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, DECEMBER 20, 2012 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, December 20, 2012, in the Commission Chambers at City Hall. Chairman James Argento called the meeting to order at 4:30 p.m. The following Commission members were present:

James Argento
Agnes Berry
Donald Lukich
Charles Townsend
Frazier J. Marshall
Ted Bowersox

City staff that was present included Bill Wiley, Community Development Director, Dan Miller, Senior Planner, and Dianne Pacewicz, Administrative Assistant II. City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by Chairman James Argento and the Pledge of Allegiance to the Flag.

Bill Wiley, Community Development Director, informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Dianne Pacewicz swore in staff as well as anyone wishing to speak.

MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR NOVEMBER 15, 2012.

Commissioner Agnes Berry moved to APPROVE the minutes from the November 15, 2012 meeting. Commissioner Charles Townsend SECONDED the motion, which was PASSED by a unanimous voice vote of 6 to 0.

NEW BUSINESS

1. PUBLIC HEARING CASE # CUP-12-143 – LEESBURG'S OLDEST FILLING STATION – CONDITIONAL USE PERMIT

REQUEST FOR A RECOMMENDATION OF THE PLANNING COMMISSION TO GRANT A CONDITIONAL USE PERMIT TO ALLOW MOTORCYCLE, SMALL ENGINE REPAIR AND SCOOTER SALES & REPAIR WITHIN THE CURRENT ZONING DISTRICT OF CITY C-2 (COMMUNITY COMMERCIAL) ON PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF WEST MAIN AND 12TH STREET, AS LEGALLY DESCRIBED IN SECTION 26, TOWNSHIP 19, RANGE 24. **(FINAL DECISION VOTED UPON BY THE PLANNING COMMISSION)**

Bill Wiley entered the exhibits into record. Dan Miller presented the exhibits. The exhibit items included the staff summary, departmental review summary, staff recommendations, general location/aerial map, land use

and zoning maps, historic district map, cra map, site photos, and conceptual site plan.

There were no substantive comments received from the departments. There were four public response received for approval and two responses were received for disapproval. City staff called and spoke to both parties who sent in the disapprovals.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. This request meets the criteria set forth in Section 25-141 "Conditional Uses" of the City of Leesburg Code of Ordinances for the granting of a conditional use permit for vehicle sales.
2. The conditional use of vehicle sales for the subject property is compatible with the existing City future land use designation of General Commercial and consistent with the City's adopted Growth Management Plan, Future Land Use Element, Goal 1, Objective 1.6.
3. The proposed Conditional Use as conditioned is compatible with the existing City zoning of C-2 (Community Commercial) as well as compatible with the surrounding zoning classifications and does not appear to create a detriment to surrounding properties.

SUBJECT to the following conditions:

1. This conditional use is granted to allow motorcycle, small engine repair and scooter sales and limited accessory uses, as defined in Sections 25-141 of the City of Leesburg Code of Ordinances and as shown on the attached conceptual site plan Exhibit A.
2. Use shall be limited to sales of motorcycles, small engine repair, scooter sales and limited accessory uses. All service work must be done within an enclosed structure.
3. Approval is based on the attached conceptual site plan dated November 15, 2012.
4. A written hazardous materials and waste management plan shall be developed by the applicant and submitted to the Planning and Zoning Division prior to the issuance of a Conditional Use Permit. At a minimum, such plan shall address the acquisition, storage, use, and disposal of hazardous materials and vehicle-related waste products, including a floor drain with an approved oil/water separator properly installed in the sanitary sewer system with a sample point immediately downstream. A copy of an agreement between the applicant and the waste disposal companies shall be part of the plan and submitted to the Planning & Zoning Division within 30 days of Planning and Zoning Commission approval.
5. Outdoor storage/display of vehicles shall not occupy any required customer parking, buffer or retention areas.
6. Storage of wrecked or inoperable vehicles shall not be permitted on site.
7. Hours of operation shall be restricted except during approved Special Events to between 7:00AM to 7:00PM Monday through Saturday and closed on Sundays to reduce impacts on the residential area to the north on 12th Street.
8. The applicant shall be subject to Section 12-19 Regulation of Public Nuisances of the City of Leesburg Code of Ordinances, per attached Exhibit B.
9. The granting of this Conditional Use Permit does not exempt the applicant from other applicable regulations of the City of Leesburg and other governmental agencies and assessment of the impact fees necessary for the completion of this project including the requirements of the City of Leesburg Historic Preservation Board for this historic property.
10. Violation of any of the conditions of this permit may result in the permit becoming null and void and revocation.

Action Requested:

1. Vote to approve the Conditional Use for the subject property as proposed by staff.

Mark Germain, petitioner/owner of the property, stated that he purchased the building in 2006. He wants to be historically accurate with this property, and he would like what he wants to do to be compatible with the history of the building.

This was the end of the discussion and the voting then took place.

Commissioner Don Lukich made a motion to APPROVE case # CUP-12-143 – LEESBURGS OLDEST FILLING STATION – CONDITIONAL USE PERMIT. Commissioner Frazier J. Marshall SECONDED the motion which, PASSED by a unanimous voice vote of 6 to 0.

2. PUBLIC HEARING CASE # SSCP-12-140 – ASSISTED LIVING FACILITY AT NORHEN PROPERTIES – SMALL SCALE COMPREHENSIVE PLAN

AN ORDINANCE OF THE CITY OF LEESBURG AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF PROPERTY CONTAINING APPROXIMATELY 8.5 ACRES, FROM COUNTY URBAN TO CITY LOW DENSITY, BEING GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF CR25A AND U.S. 27, WEST OF CONNELL ROAD AS LEGALLY DESCRIBED IN SECTION 03, TOWNSHIP 20, RANGE 24, IN LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES - 1st READING ON JANUARY 14, 2013 AND A 2ND READING ON JANUARY 28, 2013)**

Bill Wiley entered the exhibits into record. Dan Miller presented the exhibits. The exhibit items included the staff summary, departmental review summary, staff recommendations, general location/aerial map, land use and zoning maps, flood zone and wetlands map, site photos, and a conceptual site plan.

Bill Wiley gave a background of the property. The property to the east was brought in years ago for a commerce park. At the time, they weren't ready to bring in the other piece. Staff had concerns about the use of this property which is between commerce property and residential property. Mr. Wiley said that an assisted living facility would be a good transitional use for the property.

There were no substantive comments received from the departments. There were no public responses received for approval or disapproval.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. This project meets the requirements of Chapter 163.3187(1)(c) Florida Statutes, for Small Scale Comprehensive Plan Amendments.
2. The proposed Future Land Use Designation of City Medium Density Residential is compatible with the adjacent properties to the north and west designated County Urban, as well as properties to the south and east designated City General Commercial. This request does not appear to create a detriment to the surrounding properties.
3. The proposed Future Land Use Designation of City Medium Density Residential is compatible with the current surrounding zoning districts of County RMRP (Mobile Home Rental Park District) to the north and west as well as City PUD (Planned Unit Development) to the east and south.
4. The proposed future land use designation for the site is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

Action Requested:

1. Vote to approve the Small Scale Comprehensive Plan designation of City General Commercial and forward the recommendation to the City Commission for consideration subject to the property receiving approval from the City Commission of an annexation under case number ANNX-12-142.

Commissioner Lukich inquired about the access to the property. Mr. Wiley said that there will be two accesses that go through the PUD. They may also be required by FDOT, as well as the county and the City, to do a realignment with English Road.

Commissioner Bowersox inquired about the utility issues that have to be worked out. Mr. Wiley stated that it is standard language in the PUD and that easements will be required for the utilities. Ted Bowersox asked about a lift station. Mr. Wiley said that he was unsure at this point, unless it is specified.

Commissioner Townsend asked if there are any plans on the table yet.

Ed Avellaneda, with the Civil Engineering Group, representing the applicant, stated that they were in the process of doing the engineering for the eastern portion of the property. He said that they are also working with FDOT on the realignment of the roads. They have reviewed the staff report and they do concur with the recommendations.

Commissioner Lukich inquired about when construction would be starting. Mr. Avellaneda answered that they are currently working on a topographical update, and that it would be another 5-6 months before plans are approved by the City, after which the site development would occur. Mr. Avellaneda said that there is no set date at this time.

This was the end of the discussion and the voting then took place.

Commissioner Don Lukich made a motion to APPROVE case # SSCP-12-140 – ASSISTED LIVING FACILITY AT NORHEN PROPERTIES – SMALL SCALE COMPREHENSIVE PLAN. Commissioner Ted Bowersox SECONDED the motion which, PASSED by a unanimous voice vote of 6 to 0.

3. PUBLIC HEARING CASE # RZ-12-141 – ASSISTED LIVING FACILITY AT NORHEN PROPERTIES – REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 8.5 ACRES FROM COUNTY R-6 (URBAN RESIDENTIAL) TO CITY PUD (PLANNED UNIT DEVELOPMENT) ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF CR25A AND U.S. 27, WEST OF CONNELL ROAD AS LEGALLY DESCRIBED IN SECTION 03, TOWNSHIP 20, RANGE 24, IN LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.. **(CITY COMMISSION DATES - 1st READING ON JANUARY 14, 2013 AND A 2ND READING ON JANUARY 28, 2013)**

Bill Wiley entered the exhibits into record. Dan Miller presented the exhibits. The exhibit items included the staff summary, departmental review summary, staff recommendations, general location/aerial map, land use and zoning maps, flood zone and wetlands map, site photos, and a conceptual site plan.

There was one substantive comments received from engineering/public works/survey departments.

“After a brief review of your proposed conceptual site plan, I do not object to your proposal, although certain criteria will need to be met with regard to Utility Trail Easements.

The City is currently working on a Rails to Trail project along the railroad corridor “see parcel listed below” the City will be requesting a minimum of forty feet wide for said Utilities and Trail,

Along with the standard

Easements of at least seven and one-half (7 1/2) feet in width shall be provided on each side of all rear lot lines and alongside lot lines and fifteen (15) feet along all front lot lines, or a width greater as determined

necessary by City of Leesburg utility departments where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water or other mains. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are to be located in the same easement.

Show all proposed and existing easements on the site plan. Upon approval by AII Utilities, the owner shall provide a legal description of the approved easement. This legal shall be provided to the City Attorney to create an Easement Document. Final approval of site plan will be held until Easement document has been signed by all parties and returned to the City for recording.” - Douglas Franklin – Senior Survey Technician – 12/7/12.

There were no public responses received for approval or disapproval.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. The proposed zoning district of PUD (Planned Unit Development) is compatible with adjacent property to the south zoned County R-6 (Urban Residential), to the west County R-6 (Urban Residential) and County RMRP (Mobile Home Rental Park), to the east City P (Public), City C-3 (Highway Commercial), County CP (Planned Commercial), City PUD (Planned Unit Development) and County C-1 (Neighborhood Commercial), and to the north zoned County RMRP (Mobile Home Rental Park) and County C-2 (Community Commercial). As conditioned, the proposed use does not appear to be detrimental to surrounding properties.
2. The proposed zoning district PUD (Planned Unit Development) as conditioned and shown in the attached “Exhibit A” is compatible with the proposed City Future Land Use designation of Medium Density Residential.
3. The rezoning of the subject properties is consistent with the City’s Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

Action Requested:

1. Vote to approve the recommendation to rezone the subject property with the proposed Norhen Properties, Inc. Planned Development Conditions subject to the property receiving approval from the City Commission of an annexation under case number ANNX-12-142, and a future land use designation of City Medium Density Residential under case number SSCP-12-140 and forward to the City Commission for consideration.

Bill Wiley highlighted certain sections in the PUD conditions to expedite:

3. LAND USE

The above-described property, containing approximately 8.57 acres, shall be used for an assisted living facility at seven (7) units per gross acres pursuant to City of Leesburg development codes and standards.

A. Uses

- 1) Uses shall be those listed as permitted uses in this document and shall occupy the approximate area as shown on the Conceptual Plan dated Nov. 3, 2012.
- 2) Permitted Uses shall be as follows:
 - a. Assisted living facility development and associated uses with fifty-one (51) units or 306 assisted living residents (six residents equal one unit).
- 3) Uses prohibited shall be as follows:
 - a. Commercial and industrial uses
 - m. Any other similar uses which are not considered office or commercial in character or intensity which may adversely impact the adjoining properties do to traffic, noise, dust, etc.

B. Area

The Impervious surface coverage for this site shall not exceed seventy (70) percent of the gross

site area.

C. Open Space

A minimum of thirty (30) percent of the site shall be developed as open space, including retention areas, buffer and landscaped areas. Parking areas and vehicle access areas shall not be considered in calculating open space.

4. SITE ACCESS

A. Access to the property will be from C.R.25A and US 27. Any additional access shall be subject to the City of Leesburg PUD amendment and site plan application review process.

5. DESIGN REQUIREMENTS

A. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well designed and integrated into a comprehensive design style for the project. The total exterior wall area of each building elevation shall be composed of one of the following:

- 1) At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.
- 2) At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a "cementitious" lap siding. (A "cementitious" lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option).
- 3) All textured stucco, provided there are unique design features such as recessed garages, tile or metal roofs, arched windows etc. in the elevations of the buildings or the buildings are all brick stucco. Unique design features shall be reviewed by the Community Development Director for compliance.

B. Other similar design variations meeting the intent of this section may be approved at the discretion of the Community Development Director.

6. DEVELOPMENT STANDARDS

A. The minimum development standards shall be those required for the PUD district except as amended by these conditions and may limit the permitted uses based on site plan requirements.

B. Minimum building setbacks shall be fifty (50) feet from the property boundaries.

C. Maximum building height for residential structures shall not exceed two (2) stories or 30 feet adjacent to single family residential areas except that for each two (2) foot of additional setback from the required setback, an additional one (1) foot of height above two stories shall be permitted not to exceed three (3) stories or thirty-five (35) feet.

D. A wildlife/archaeological management plan for the project site shall be prepared based on the results of an environmental assessment of the site and any environmental permit required from applicable governmental agencies. The management plan shall be submitted to the City as part of the preliminary plan application. The Permittee shall designate a responsible legal entity that shall implement and maintain the management plan.

E. The permittee shall construct off-street parking spaces within the development pursuant to the City of Leesburg Code of Ordinances, as amended, which shall include the required number of handicapped parking spaces.

7. WETLANDS

- D. Land uses allowed within the upland buffers are limited to stormwater facilities as permitted by St. Johns River Water Management District.

8. DRAINAGE AND UTILITIES

- A. Prior to receiving Final Development Plan Approval, the "Permittee" shall submit, if applicable, a Master Site Drainage Plan and Utility Implementation Plan acceptable to the City of Leesburg. Prior to removal, renovation or demolition of any existing development on the site, the permittee shall provide:
- 1) A detailed site plan demonstrating no direct discharge of stormwater runoff generated by the development into any natural surface waters or onto adjacent properties shall be required.
 - 2) A detailed site plan indicating all provisions for electric, water, sewer, and natural gas in accordance with the site plan review process as required by the City of Leesburg Code of Ordinances.

9. TRANSPORTATION IMPROVEMENTS

- A. Any transportation improvements or right-of-way that may be required shall be based on projected needs and shall be contingent upon site plan approval by City staff during the development review and permitting process.
- H. The development shall dedicate to the city at its northeast corner a sufficient easement as needed to facilitate the development of an approved adjacent 40 foot easement for a multi-purpose trail, including utilities, drainage, amenities etc. This easement shall be dedicated to the City upon platting and/or site plan approval of the property. If the City's trail system is developed adjacent to the required trail easement and the project has not completed all of its building construction, the developer will be required to complete construction of the required trail section. However, if the City's completed trail has not reached the proposed trail section, the developer shall escrow funds to the City for the cost of the improvements as determined by their engineer and approved by the City.

10. LANDSCAPING AND BUFFER REQUIREMENTS

- B. In addition, development of a required buffer on the west and north property lines shall include an (8) foot high PVC fence with decorative posts and caps as seen on Exhibit D with landscape canopy trees installed along the property lines on the development as a visual buffer to adjacent residential properties.

12. DEVELOPMENT PHASING

- A. The proposed project may be constructed in phases in accordance with the Planned Unit Development Conditions and Conceptual Plan. Changes to the Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Development review process.
- B. Implementation of the project shall substantially commence within 36 months of approval of this Planned Development. In the event, the conditions of the PUD have not been substantially implemented during the required time period, the PUD shall be scheduled with due notice for reconsideration by the Planning Commission at their next available regular meeting. The Planning Commission will consider whether to extend the PUD approval or rezone the property to another appropriate zoning classification.

Commissioner Bowersox inquired about the 40 foot easement. Mr. Wiley stated that it will be a utility easement and not used for ingress access.

Ed Avellaneda, with the Civil Engineering Group, representing the applicant, stated that, once again, they have reviewed the staff report and that they concur with the recommendations

This was the end of the discussion and the voting then took place.

Commissioner Don Lukich made a motion to APPROVE case # RZ-12-141 – ASSISTED LIVING FACILITY AT NORHEN PROPERTIES – REZONING. Commissioner Charles Townsend SECONDED the motion which, PASSED by a unanimous voice vote of 6 to 0.

DISCUSSION ITEM

Commissioner Lukich asked when the schedule for the 2013 Planning Commission meetings will be available. Senior Planner Dan Miller said that they will be sent out next week.

ANNOUNCEMENTS

The next scheduled meeting date is January 17, 2013.

The meeting adjourned at 5:15 p.m.

James Argento, Chairman

Clell Coleman, Vice Chairman

Dianne Pacewicz, Administrative Assistant II